

S/N 10/825,735

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dan Teodosiu et al.	Examiner:	Daftuar, Saket K.
Serial No.:	10/825,735	Group Art Unit:	2451
		Confirmation No.:	8818
Filed:	April 15, 2004	Docket No.:	50037.272US01; 308287.01
Title:	EFFICIENT ALGORITHM AND PROTOCOL FOR REMOTE DIFFERENTIAL COMPRESSION		

**RESUBMITTED PETITION TO EXPUNGE PURSUANT
TO 37 CFR § 1.59 & MPEP § 724.05**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, a Petition to Expunge Pursuant To 37 CFR § 1.59 & MPEP § 724.05 ("Previous Petition") was previously submitted with the documents listed on Exhibit A hereto ("Materials"), which were filed in sealed envelope(s) pursuant to MPEP § 724.02. The Previous Petition was dismissed as being untimely in a Decision on Petition Under 37 CFR §1.59. The Decision on Petition stated:

During prosecution on the merits, the examiner will determine whether or not the information submitted on 14 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Decision on Petition, January 28, 2008.

Prosecution on the above-identified application is now closed. A notice of allowance was mailed on December 16, 2008. Therefore, this Resubmitted Petition to Expunge is now being filed.

To the extent that any of the Materials are found not to be important to a reasonable examiner in deciding upon patentability ("Criteria"), Petitioner requests that all of the Materials, or any portion of such Materials not meeting the Criteria, be expunged and removed from the official file for the above-identified application.

Pursuant to MPEP § 724.05, Petitioner makes the following statements:

1. The materials are proprietary subject to a legal obligation in: Commission of European Communities vs. Microsoft, Case No. COMP/C-3/37792 (hereafter, "Litigation");
2. The Materials have not otherwise been made public;
3. Petitioner commits to retain the Materials for the period of any patent with regard to which the Materials are submitted;
4. This petition to expunge is being made on behalf of the party in interest on whose behalf the Materials were submitted; and
5. The appropriate fee, as set forth in 37 C.F.R. § 1.17(g), should be charged for a large entity to Deposit Account No. 13-2725. **[NOTE: The fee has already been paid, and the Decision on Petition indicated that no further fee is required for filing of this Resubmitted Petition to Expunge.]**

Please contact the undersigned if any further information is needed with respect to this petition. No fee is believed to be due with this filing. However, please charge any additional, necessary fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

Dated: March 16, 2009





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Exhibit A
List of Materials Submitted Under Seal Pursuant to MPEP § 724.02

	Microsoft Corporation. <i>Remote Differential Compression</i> . July 31, 2006; pp. 1-56.
	Knauer, Reinhard. <i>Report on European Patents and Applications Corresponding to U.S. Patents and Applications Cited in Microsoft's 31 July 2006 Innovation Reports</i> . Appendices F and G; August 21, 2006.
	Advisor to the Monitoring Trustee. <i>Innovation Report Review – Remote Differential Compression (RDC)</i> . November 28, 2006; pp. 1-4.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims – Microsoft's Claimed Innovation in Remote Differential Compression (DFS-R2)</i> . Annex 5; February 22, 2007; Part 1, Section 3.
	Commission of the European Communities. <i>Statement of Objection - Annex I to the Statement of Objections in Case 37792</i> . Annex I; March 1, 2007; pp. 3-4.
	Commission of the European Communities. <i>Statement of Objection - List and Descriptions of Protocols and Patents</i> . Annex 4; March 1, 2007.
	Microsoft Corporation. <i>Innovations in Remote Differential File Compression (RDC)</i> . Filed April 23, 2007; pp. 1-7 (Attachment pp. 1-16).
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims – Microsoft's Claimed Innovation in Remote Differential Compression (DFS-R2)</i> . March 3, 2007; Part 1; Section 3.
	Microsoft Corporation. <i>Microsoft's Comments on the "Trustee Summary Review of Microsoft Innovation Claims" dated 3 March 2007</i> . Filed June 11, 2007; Appendix A; pp. 29-30.
	Microsoft Corporation. <i>Microsoft's Supplemental Comments on the "Trustee Summary Review of Microsoft Innovation Claims" dated 3 March 2007</i> . Filed July 13, 2007; Section VII; pp. 11-14.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 – (RDC) Remote Differential Compression (Part of DFS-R)</i> . Section 11; July 8, 2007.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 (Updated References)</i> . July 8, 2007.

	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 – Microsoft Distributed File System Replication (DFS-R). The Commission's Assessment of Microsoft's Innovation Claims (Annex Table)</i> ; July 8, 2007; pp. 7-9.
	Microsoft Corporation. <i>Reply to Arguments Regarding Remote Differential Compression Protocol (RDC)</i> . Filed August 31, 2007; pp. 1-11 (Attachment pp. 1-93).